

5. (Thrice-amended) A method according to Claim 3 wherein said specific or said universal probe is a *mRNA*-targeted probe.

D<sup>2</sup>  
6. (Thrice-amended) A method according to Claim 1, further comprising extracting said microorganisms in said sample by centrifugation.

7. (Twice-amended) A method according to Claim 1, wherein said contacting is performed following fixation of said whole cells.

D<sup>3</sup>  
14. (Thrice-amended) A method according to Claim 1, wherein extracting of the hybridized probes includes extracting at a temperature higher than the melting temperature of the specific probe under consideration.

#### Remarks

In the Advisory action dated May 22, 2002 the claim amendments were not entered because the amendments were said to require further search and consideration. Applicant files a Request for Continued Examination under 37 CFR 1.114 as requested by the examiner. Also, Applicant responds to the statements made in the Attachment to the Advisory Action.

Reconsideration of claims 1-30 is respectfully requested. Claims 1, 5-7 and 14 were amended.

The rejection of pending claims 1-30 under 35 U.S.C. §103(a) as being unpatentable over the combination of Manz, Wagner, and De Los Reyes et al. in view of Mobarry is traversed. Applicant's understanding of Manz and De Los Reyes is provided below.

Manz describes a qualitative and quantitative process for detecting and counting several species of bacteria in activated sludge. The process, as described by Manz beginning on page 1716, is summarized by the following steps.